

EXETER CITY COUNCIL

SCRUTINY COMMITTEE – COMMUNITY

4 MARCH 2008

CHANGES IN ARRANGEMENTS FOR RECEIVING STRAY DOGS OUT OF HOURS

1. PURPOSE OF REPORT

- 1.1 To inform Members on the changes in arrangements for dealing with stray dogs out of hours, initiated by the withdrawal of provision by the Police nationally, following the forthcoming enactment of legislation.

2. BACKGROUND

- 2.1 The Control of Dogs Order 1992 provides that dogs must wear a collar and tag giving the name and address of the owner when in a public place. In most cases, it is expected that this will enable the owner to be identified with relative ease. Failure to comply with this direction is an offence under Animal Health Act 1981 and such dogs may be seized, even if a person is in charge of such a dog. Moreover, the 1992 Order places a duty on local authorities to enforce the requirement for dogs to wear a collar and tag in a public place.
- 2.2 Any dog found in a public place, not under the control of its owner will be regarded as a stray dog. Dogs seized by the Council's Dog Warden may be transferred to Council approved kennels (currently at Newton Abbot). Dogs seized by the Dog Warden will be returned to the owner, who must pay the cost of kennelling fees, administration and any other costs incurred as a result of the seizure. However, after seven days has elapsed without being claimed, the Council may arrange for the dog to be re-homed (usually by a third party provider) or put down. Currently, unclaimed dogs are re-homed.

The Council recognises that the vast majority of owners wish to be re-united with their dogs as soon as they can. The dog Warden seeks to prevent dogs from going astray by encouraging the owners to tag their dogs with the owner's name, address and contact details, and in addition to micro-chip their dogs so that the owner can still be identified in instances where the dog's collar and tag have been lost. Sadly, some owners do not care for their dogs and either do little to prevent them straying or abandon them. With any dog that remains unclaimed after being seized, every effort is made to re-home the dog with a new owner through a third-party provider. Only on rare occasions will a stray dog be put down, such as when a dog is mortally wounded through a road traffic accident, is very ill and unlikely to recover, or is savage and unsuitable for re-homing.

- 2.3 At present, both the Council and the police have legal duties in respect of stray dogs. Section 68 of the Clean Neighbourhoods and Environment Act 2005 will commence on 6 April 2008, removing from legislation references to the police seizing stray dogs and the duty to accept any brought to them. This is particularly relevant to dogs

presented as strays outside of normal office hours as currently the Council offers no service to receive strays during these times.

- 2.4 This means that from April 2008 local authorities will be solely responsible for discharging stray dog functions. In short, the minimum requirement of the extended duty is that where practicable local authorities provide a place to which dogs can be taken outside normal office hours (referred to as an 'acceptance point').
- 2.5 Authorities are not required to offer a round the clock call-out service to seize and detain stray dogs seen or found by the public. However, contact numbers for out of hours cover should be widely publicised to enable finders to take a dog to an acceptance point (which may include receiving the stray dog at someone's premises).
- 2.6 There is a legal duty for any finder of a stray dog to return the dog to its owner (if the owner can be identified) or take the dog to the local authority for the area in which the dog was found. The authority must treat such a dog as though it had been seized by an officer.
- 2.7 The police retain duties with regard to dealing with dangerous dogs and dogs found to be worrying livestock. The Council and the police will maintain a working relationship so that such issues can be dealt with effectively.
- 2.8 In order to inform the public about the arrangements for stray dogs the police are expected to advertise in police stations any information given to them by local authorities such as locations where strays may be taken and any phone numbers for officers or information, with particular reference to out of office hours contact and the cover provided.

3. OPTIONS CONSIDERED

- 3.1 Those stray dogs currently received by the Council are taken to a private kennelling facility in Newton Abbot after efforts to identify an owner and reunite the owner with the dog have failed. This particular facility has offered an out of hours receiving service for strays, but the proposed cost is extremely expensive and does not represent value for money. Authorities are expected to provide the most cost effective service possible when using external providers. For the reasons given above, this option has been discounted.
- 3.2 Other kennelling providers (both short-term and longer-term) have been approached regarding out of hours provision, but all refuse to act as an acceptance point for reasons of staff safety.
- 3.3 The Council has two holding pens, which are appropriate for the short-term kennelling of dogs, prior to moving on to an external kennelling facility. The option of using these facilities as an acceptance point has been considered and rejected because it has no reception facilities and due to the security risk posed by owners attempting to visit the facility in order to regain their pet.
- 3.4 The option of utilising existing staff to resource a restricted out of hours service, covering the anticipated times of greatest demand is the most favourable option. Due

to the difficulties in identifying an acceptance point, the stray dogs will be accepted from the home of the finder should they request a visit out of hours, otherwise it will be picked up the following day. Environmental Health Services currently have four officers fully trained in handling dogs, although there is potential to increase the number of appropriately qualified officers. The out of hours provision would need to rely on this pool of trained officers.

4. PROVISIONAL ARRANGEMENTS

- 4.1 From discussions with the police, it is apparent that there are no accurate records of the number of stray dogs received within Exeter out of hours over a meaningful time period. The records which do exist do not differentiate between dogs found outside Exeter's boundary and those from within. Consequently, there is no accurate source of reliable data to assist in modelling a service that will best suit Exeter's need.
- 4.2 In order to determine need and service provision, it is proposed to extend provision to receive stray dogs outside of office hours, from 18:00 to 21:00 hrs on weekdays, and 10:00 to 21:00 hrs on weekends. Finders with stray dogs would be directed to contact the Control Centre during these hours.
- 4.3 In cases where the owner can be identified, the finder will be assisted in contacting the owner to make arrangements for the owner to collect the dog. When the owner is not immediately identifiable, or contact is made outside of the service provision times, the finder will be asked whether they would be prepared to hold the dog for collection by a dog warden the following morning. For those dogs that cannot be held by the finder, arrangements will be made for a dog warden to collect the dog, but only if contact is made during the times of extended out of hours provision. This will mean a gap in provision to receive stray dogs after 21:00 hours until the following morning.
- 4.4 Those stray dogs picked up out of hours, will normally be temporarily kennelled in the Council's holding pens, prior to being taken to an approved kennelling facility. Other providers for temporary kennelling out of hours are currently being explored.
- 4.5 These provisional arrangements will run for a period of six months in order to gauge need and enable the Council to make any alterations for future provision over the longer term.
- 4.6 In conjunction with extending service provision as described, it will be important to work closely with the police in publicising the changes in responsibilities for stray dogs, as inevitably, the police will continue to receive requests out of hours. An important part of this will include working jointly with the police in the prevention of strays by promoting the use of dog identification tags as a legal requirement, enforcement of such, and general encouragement of responsible dog ownership. A joint publicity campaign with the police and Devon district councils is being developed to achieve this, with a proposed launch date in April 2008.

5. FINANCIAL IMPLICATIONS

- 5.1 An extra £3.7million a year has been included in the revenue support grant to fund the local authority costs of the extended duty in England and Wales. However, it is not

possible to separately identify the amount payable to Exeter City Council. The 2008/09 estimates for the Environmental Protection service have been increased in respect of the costs arising as a result of these duties.

- 5.2 The Council may charge the owner all expenses incurred during the dog's detention plus a further prescribed amount (£25), although the Council has to bear the cost for unclaimed dogs. The expenses should be calculated as the per day kennel cost plus any costs involved in detaining the dog (this could include costs incurred in detaining the dog from receipt at a finder's address). Any such monies received should be used to discharge ongoing stray dog functions, and may assist in part funding the out of hours provision, as well as off-setting the cost of dealing with unclaimed dogs.
- 5.3 The proposed out of hours service to run from April to September, will be funded from the existing budget provision, and subject to negotiation with staff and the trades union.
- 5.4 The demand for out of hours provision will be monitored between April and September 2008, and a report submitted to Scrutiny Committee– Community and Executive should additional funding be necessary over and above the estimated revenue budget provision of £3,250.
- 5.5 The joint publicity campaign, which is primarily designed to prevent dogs becoming strays, will be funded from existing budget provision.

6. RECOMMENDED

that Scrutiny Committee – Community notes the changes in arrangements to receive stray dogs outside of office hours.

HEAD OF ENVIRONMENTAL HEALTH SERVICES

S:PA/LP/ Committee/308SCC13 Stray Dogs Out of Hours v2
21.2.08

COMMUNITY & ENVIRONMENT DIRECTORATE

Local Government (Access to Information) Act 1985 (as amended)
Background papers used in compiling this report: